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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,337	07/18/2003	Charles R. Bowers	013-304-1	3291

  

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EXAMINER	
DINH, MINH	

  

ART UNIT	PAPER NUMBER
2132	

  

MAIL DATE	DELIVERY MODE
06/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/623,337	Applicant(s) BOWERS, CHARLES R.	
	Examiner Minh Dinh	Art Unit 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed 4/10/07. Claims 1, 13-16, 21-25 and 37 have been amended; claim 20 has been canceled. The specification has also been amended.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 14 and 25 have been considered but are not persuasive. Applicant's amendments have necessitated a new search and new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 and 21-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the new limitation

"wherein each piece of data entered in the data record is assigned a credibility weight based upon credibility coefficients assigned to the data record" (lines 8-9). The originally filed specification does not disclose that each piece of data entered in the data record is assigned a credibility weight. Therefore, the limitation is considered new matter. For examination purposes, the limitation is interpreted as "wherein data in the data record is assigned a credibility coefficient". Claims 14 and 25 are rejected on the same basis as claim 1. Claims that are not specifically addressed are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 9-10, 14-19, 25-26 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidt (7,111,173) in view of Hanna et al. (7,085,925). Scheidt discloses a method and apparatus for encrypting a user's credential file, using a biometric value corresponding to

the user and storing the encrypted credential file on a storage device, i.e., a smart card (Abstract; col. 11, lines 10-13; col. 12, lines 22-37).

Regarding claims 1-2, 9-10, 14-19, 25-26 and 33-34, Scheidt discloses a method comprising: using a biometric generator to obtain a biometric signature of an individual (figure 1; col. 11, line 64 – col. 12, line 7); bonding the biometric signature to a data storage device, i.e., generating an encryption key based on the biometric signature and using the encryption key to encrypt data, i.e., a user's credentials in a credential file, stored on the storage device, i.e., the user's smart card (col. 5, lines 16-21; col. 8, lines 8-21, 49-53; col. 14, lines 62-67); requiring the biometric signature of the individual to access a data record stored on the data storage device (col. 8, lines 49-53; col. 12, lines 30-37); controlling an access to the data storage device by using a data console, the data console being a secure input/output device (col. 11, lines 32-37; col. 14, lines 20-32); maintaining a credibility record associated with the data record, i.e., a digital signature for proving that the data record is credible (col. 8, lines 18-20; col. 9, lines 55-64); using a metadata query to request a disclosure of the data record (col. 8, lines 8-20, 60-67; col. 9, lines 1-3, 36-50; col. 10, lines 4-7); and allowing the individual to control the disclosure of the data record (col. 4, lines 56-59; col. 8, lines 8-21, 60-67; col. 9, lines 1-3; col. 14, lines 23-29).

Scheidt does not disclose assigning a credibility coefficient to the credentials contained in the data record. Hanna discloses assigning a credibility coefficient (i.e., trust rating) to credentials (Abstract; col. 8, lines 32-60). The trust rating provides an indication of the level of confidence in the respective credential.

7. Claims 3-8, 11-12, 21-24, 27-32 and 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Scheidt in view of Hanna as applied to claims 1, 20 and 25 above, and further in view of Hind et al. (6,948,066). Scheidt does not disclose recording in a credibility record information related to a session such as information for identifying a session operator, a console operator, the console itself, and the access time. Hind discloses recording in a credibility record information related to a transaction such as biometric signatures for identifying a session operator, a device operator, unique identifier of the device(s) involved, and the transaction time (Abstract; col. 12, lines 58-63; col. 16, line 65 – col. 17, line 14; col. 18, lines 4-20). It would have been obvious to one of ordinary in the art at the time the invention was made to modify the combined method of Scheidt and Hanna to record in a credibility record information related to a session such as information for identifying a session operator, a console operator,

the console itself, and the access time, as taught by Hind, in order to provide a provable chain of evidence.

***Allowable Subject Matter***

8. Claims 13 and 37 are not rejected over the prior art of record.
9. The following is a statement of reasons for the indication of allowable subject matter. Regarding claims 13 and 37, the limitations "assigning a credibility coefficient to the data record based on an evaluation of the credibility record; changing the credibility coefficient when an element in the credibility record is compromised; and sending a broadcast notice associated with a change in the credibility coefficient", in combination with elements of the parent claims, have not been taught by prior art.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,944,761 to Wood et al.

U.S. Patent No. 7,137,008 to Hamid et al.

U.S. Patent No. 7,200,756 to Griffin et al.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799.



The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER

/MD/  
Minh Dinh  
Examiner  
Art Unit 2132

6/21/07